IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WA.No. 1344 of 2007

AGAINST THE JUDGEMENT IN WPC.28719/2006 Dated 11/04/2007
.....

APPELLANT: RESPONDENTS
---

1. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM.

2. THE JOINT SECRETARY,
DEPARTMENT TEST EXAMINATION WING,
KERALA PUBLIC SERVICE COMMISSION,
PATOOM, THIRUVANANTHAPURAM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC

RESPONDENTS: PETITIONER

V.P.PRAKASH,
VENATT HOUSE, PUNCHAVAYAL P.O.,
MUNDAKKAYAM, KOTTAYAM.

BY ADV. SRI DEVAN RAMACHANDRAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 21/06/2007, THE COURT ON 02/07/2007
DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & ANTONY DOMINIC, JJ.

Writ Appeal No 1344 of 2007

Dated: 2nd July 2007

JUDGMENT

Radhakrishnan,J.

This appeal has been preferred by the Public Service Commission and another aggrieved by the judgment of the learned single judge directing the Service Commission to certify that the petitioner has passed Account Test (Lower) for the Ministerial and Executive Staff of the Kerala State Electricity Board.

2. Writ petition was preferred seeking a writ of certiorari to quash Ext. P4 letter issued by the Public Service Commission rejecting the application of the petitioner for issuing a certificate that he has passed Account Test (Lower) for the Ministerial and Executive staff of the Kerala State Electricity Board. Public Service Commission in Ext. P4 letter stated that the petitioner has not passed KSEB IV paper and hence the request for issuance of certificate was rejected. Learned single judge however gave a direction to the Public Service Commission to issue certificate to the effect that he

has passed Account Test (Lower) for the Ministerial and Executive staff of the Kerala State Electricity Board since the petitioner has passed the general Account Test (Lower) and therefore entitled to get a certificate to the effect that he has passed Account Test (Lower) for the Ministerial and Executive staff of the K.S.E.Board.

3. Petitioner has passed Account Test (Lower) conducted by the Public Service Commission for departmental tests. Annexure A1 is a specimen certificate produced by the Public Service Commission. Following are the subjects included in the Account Test (Lower) conducted by the Public Service Commission for departmental tests.

Paper	Subject
1.	Kerala Service Rules
2.	Kerala Financial Code Vols. I and II and Kerala Budget Manual
3.	Introduction to the Indian Audit and Accounts Parts I and III and the Kerala Account Code Vol.I
4.	The Kerala Treasury Code Vols. I and II and Kerala Account Code Vol. II

Public Service Commission has conceded that the petitioner has passed Paper I and II which are exactly similar to the Account Test

(Lower) for the Ministerial and Executive staff of the K.S.E.Board. Specimen copy of the certificate issued while passing the above examination is produced as Annexure A2. Relevant portion of the same is extracted below for easy reference.

Paper	Subject
1.	Kerala Service Rules
2.	Kerala Financial Code Vol. I and II and the Kerala Budget Manual
3.	Elements of Commercial Accounts and Book Keeping
4.	Kerala Treasury Code Vol. I and Kerala Account Code Vol. I

It is the comon case that the petitioner has passed Paper I and II which are common for both the examinations. So far as paper No III of Account Test (Lower) for Ministerial and Executive staff is concerned, counsel for the petitioner submits that the petitioner has passed that paper subsequently.

4. We are now concerned only with paper No. IV referred to in Annexure A2 certificate. According to counsel for the petitioner, petitioner has passed similar paper No IV shown in Annexure A1

certificate and since he has passed that subject in the examination conducted by the Public Service Commission for departmental tests there is no necessity for writing that examination conducted by the P.S.C for issuing certificate to the Ministerial and Executive staff. We find it difficult to accept that contention. P.S.C used to conduct departmental tests for government employees and persons working in statutory Corporations including the K.S.E.Board. Looking at Annexures A1 and A2 it is clear that paper III and IV are different and distinct from the examination conducted for the ministerial and executive staff of the K.S.E.Board. On the judicial side we cannot give a declaration that paper IV shown in Annexure A1 certificate as well as the one shown in Annexure A2 certificate is similar. P.S.C is conducting separate tests for the issuance of both the certificates. Sometimes examination is common for paper I and II mentioned in Annexures A1 and A2 then there is no difficulty, since the examination is common. So far as paper IV is concerned, Annexure A1 certificate takes in Kerala Treasury Code Vol.I and II and Kerala Account Code Vol. II while Annexure A2 certificate takes in Kerala Treasury Code Vol. I and Kerala Account Code Vol. I. There is marked difference in the subjects mentioned in both the subjects.

Hence learned single judge was not justified in issuing a direction to the Public Service Commission to issue certificate to the petitioner though he has not passed paper IV mentioned in Annexure A2 certificate. Writ appeal is therefore allowed and the judgment of the learned single judge is set aside.

Sd/-

K.S. RADHAKRISHNAN
Judge

Sd/-
ANTONY DOMINIC
Judge

02/07/2007
en/

[true copy]